

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN M. MARTIN,

Plaintiff,

v.

RYAN MEZ, et al.,

Defendants.

No. 2:20-cv-00855-DAD-JDP (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT'S MOTION TO SET ASIDE  
ENTRY OF DEFAULT

(Doc. Nos. 53, 70)

Plaintiff Sean M. Martin proceeds *pro se* and *in forma pauperis* in this civil action against defendants Ryan Mez and Jeremy Hembree. This action was referred to a United States Magistrate Judge pursuant to Local Rule 302.

On August 24, 2022, the assigned magistrate judge issued findings and recommendations, recommending that defendant Mez's motion to set aside entry the clerk's entry of default (Doc. No. 53) be granted, plaintiff's amended motion for default judgment (Doc. No. 56) be denied, and plaintiff's motion to strike defendant Hembree's answer (Doc. No. 59) be denied. (Doc. No. 70.) The findings and recommendations were served upon all parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days of service. (*Id.* at 7.) On September 1, 2022, plaintiff filed a notice of non-objection to the pending findings and recommendations. (Doc. No. 72.)

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1           In accordance with the provisions of Local Rule 304, this court has conducted a *de novo*  
2 review of this case. Having carefully reviewed the entire file, the court finds the findings and  
3 recommendations to be supported by the record and proper analysis.

4           Accordingly,

- 5           1.       The findings and recommendations issued on August 24, 2022 (Doc. No. 70) are  
6                   adopted in full;
- 7           2.       Defendant Mez's motion to set aside the clerk's entry of default (Doc. No. 53) is  
8                   granted;
- 9           3.       Plaintiff's amended motion for default judgment (Doc. No. 56) is denied;
- 10          4.       Plaintiff's motion to strike defendant Hembree's answer (Doc. No. 59) is denied;
- 11          5.       The Clerk of Court is directed to set aside the entry of defendant Mez's default;  
12                   and
- 13          6.       The matter is referred back to the assigned magistrate judge for further  
14                   proceedings.

15          IT IS SO ORDERED.

16          Dated: September 8, 2022

  
UNITED STATES DISTRICT JUDGE